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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,500	02/27/2002	Hidemitsu Takebuchi	081909-0102	6499

22428 7590 08/11/2003

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

DONOVAN, LINCOLN D

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,500

Applicant(s)

TAKEBUCHI ET AL.

Examiner

Donovan Lincoln

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 6-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Claims 6-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected claimed inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

Applicant's election with traverse of the restriction in Paper No. 6 is acknowledged. The traversal is on the ground(s) that claims 1-13 correspond to embodiment 1. This is found persuasive.

The requirement regarding claims 6-13 and 1-5 is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, line 8, it is not clear what structure applicant intends by the first line segment and the second line segment forming an inclination.

Regarding claim 4, line 2, applicant should clarify what is intended by "the bent slit is plural in number." It is assumed that applicant intends a plurality of bent slits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 4-5 are rejected under 35 U.S.C. 103(a) as being obvious over Paul et al. [US 4,620,074] in view of Slamecka [US 6,072,141].

Paul et al. disclose an electrode [4] for use in a vacuum breaker comprising: a cup member [figure 1] having an opening and a periphery which is formed with a plurality of slits [22, 24] so as to form a coil section and a contact member [28] mating with the opening of the cup member.

Paul et al. disclose the instant claimed invention except for: the slot being step shaped and the contact member being a disk plate closing the opening of the cup.

Slamecka et al. disclose a vacuum switch cup-shaped contact [figure 3] having at least one step shaped slot [12a] extending from the cup opening to a base of the contact and a disk plate [5] sealing the opening of the contact member.

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the stepped shape configuration for the slots of Paul et al., as suggested by Slamecka, for the purpose of increasing the length of the current paths.

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use a disk plate to seal the cup opening of Paul et al., as suggested by Slamecka, for the purpose of dampening eddy currents.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paul et al., as modified, as applied to claim 1 above, and further in view of Schels et al. [US 5,055,639].

Paul et al. disclose the instant claimed invention except for the slot being formed of a first segment extending perpendicular to the cup opening at one end, a second segment extending from the opposing end of the first segment and inclined thereto.

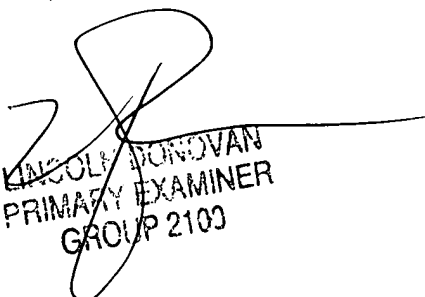
Schels et al. disclose a contact arrangement for a vacuum switch including a contact member having a slot being formed of a first segment extending perpendicular to the cup opening at one end, a second segment extending from the opposing end of the first segment and inclined thereto [figure 10].

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the slot design of Schels et al. for the slots of Paul et al., as modified, for the purpose of increasing strength and size of the contact member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donovan Lincoln whose telephone number is 703 308-3111. The examiner can normally be reached on M-F 8:30-5:00.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1920.

ldd
July 31, 2003


LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2103